

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID AVILA, et al.,

Plaintiffs,

v.

NEWREZ, LLC D/B/A SHELLPOINT
MORTGAGE SERVICING, et al.,

Defendants.

No. 2:24-cv-02264-TLN-CSK

ORDER

Plaintiffs David Avila and John Hayne (collectively, “Plaintiffs”) filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 9, 2024, the magistrate judge filed findings and recommendations, which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. (ECF No. 36.) On December 23, 2024, Plaintiffs filed objections to the findings and recommendations, which have been considered by the Court. (ECF No. 37.)

This Court reviews *de novo* those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981); *see also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection

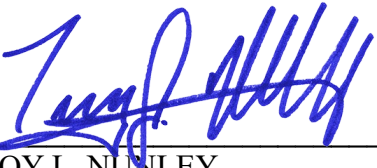
1 has been made, the Court assumes its correctness and decides the matter on the applicable law.
2 *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's
3 conclusions of law are reviewed *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d
4 452, 454 (9th Cir. 1983).

5 The Court has reviewed the applicable legal standards and, good cause appearing,
6 concludes that it is appropriate to adopt the findings and recommendations in full. Accordingly,

7 IT IS HEREBY ORDERED that:

- 8 1. The Findings and Recommendations (ECF No. 36) are ADOPTED IN FULL;
- 9 2. Defendants' Motion to Dismiss (ECF No. 17) is GRANTED;
- 10 3. Plaintiffs' Complaint (ECF No. 1) is DISMISSED without leave to amend; and
- 11 4. The Clerk of the Court is directed to CLOSE this case.

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13 Date: April 4, 2025

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17 TROY L. NUNLEY
18 CHIEF UNITED STATES DISTRICT JUDGE
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